

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

FRANK MANUEL HERNANDEZ,

Plaintiff,

v.

PERRY RUSSELL, *et al.*,

Defendants.

Case No. 3:20-cv-00114-MMD-CSD

ORDER

Pro se Plaintiff Frank Manuel Hernandez brings this action pursuant to 42 U.S.C. § 1983 against Defendant correctional officers Steve Lennon and David Cregg.¹ The complaint in this action was filed on March 3, 2021. (ECF No. 8.) The Nevada Attorney General did not accept service on behalf of Lennon, as he was no longer employed by the Nevada Department of Corrections. (ECF No. 16, 19.) The Court then directed the U.S. Marshal to serve the summons on Lennon at his last known address, but the summons was returned unexecuted (ECF Nos. 19, 20, 22.) The Court twice sought an updated address from the Attorney General, but no other address for Lennon was on file. (ECF Nos. 30, 31, 36, 37.)

The Court issued a notice of intent to dismiss Lennon pursuant to Rule 4(m) if proof of service was not filed by February 3, 2022. (ECF No. 40.) Hernandez then requested service by publication (ECF No. 43), which the Court denied (ECF No. 46). The Court did however stay the dismissal for 45 days to give Hernandez a final chance to complete service or to file a renewed motion for service by publication with the necessary information. (ECF No. 46.) That deadline has now passed, and Hernandez

¹The other named Defendants have since been dismissed.

1 has neither filed proof of service nor supplied the Court with the required information for
2 service by publication as explained in the Court's prior order.

3 It is therefore ordered that the claims against Steve Lennon are dismissed
4 without prejudice.

5 DATED THIS 25th Day of March 2022.

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8 MIRANDA M. DU
9 CHIEF UNITED STATES DISTRICT JUDGE
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